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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/851,200	05/05/97	NOVOSEL	M P97.1046

HILL STEADMAN & SIMPSON
85TH FLOOR SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO IL 60606

LM61/0213

EXAMINER

SMITS, T

ART UNIT

PAPER NUMBER

2741

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DATE MAILED:

02/13/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/851,200

Applicant(s)

Michael J. Novosel, et al.

Examiner

Talivaldis Ivars Smits

Group Art Unit

2741



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire two (2) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-20 is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 1

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

2. The title of the invention is not sufficiently descriptive. A new title, such as **--Sound Recording and Reproduction System for Model Train Using Integrated Digital Command Control--**, is required that is more clearly indicative of the invention to which the claims are directed.
3. The Abstract of the disclosure is objected to because it fails to mention critical elements of the claimed invention. Specifically, no mention is made of the integrated analog sound, motor and special effects controller, nor of the bi-polar Digital Command Control signal whose packets trigger sound effects, nor of the model train application, all of which are recited in the independent claim. Correction, by rewriting the Abstract, is required. See MPEP § 608.01(b).
4. The disclosure is objected to because of the following informalities:

- It fails to mention in the Related Application Data section, on p. 1, line 7, that the parent application of this CIP has been abandoned.
- On p. 8, line 15 "discreet" should be --discrete--; on line 20 "voltage to" should be --voltage from--.

Appropriate correction is required.

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Allowable Subject Matter

6. Claims 1-20 are allowable over the prior art of record. The following is a statement of reasons for the indication of allowable subject matter:

As per the sole independent claim 1, it recites storing at predetermined addresses in an analog memory contained in a model train a plurality of sound effects, controlled by an integrated analog-sound/motor/special-effects controller which uses bi-polar digital signal packets to, *inter alia*, recall for playback said analog sounds effects from said memory in a predetermined or a random sequence, when the corresponding digital packet triggers its sound effect. The prior art of record, including the National Model Railroad Association's Digital Command Control (DCC)

Standards and Recommended Practices, do not teach or suggest using the known DCC bi-polar digital signal packets for controlling the playback of a predetermined or random sound effect sequence from predetermined addresses in an analog memory on board a model train. Thus, claim 1 is allowable.

Since the dependent claims 2-20 further limit independent claim 1 or their parent claims, they are allowable also. Thus, all pending claims (claims 1-20) are allowable.

Conclusion

7. This application is in condition for allowance except for the following formal matters:

Rewriting of the Abstract and of Related Application Data, and the submission of formal drawings, as discussed in paragraphs 1-4, above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for response to this action is set to expire **TWO MONTHS** from the date of this letter.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Frederick E. Severson, *et al.* (U.S. Patent 5,448,142, issued 9/5/95) disclose using polarity reversals on a DC model railroad track power signal for controlling remote effects in the

locomotive such as sound effects, which are determined by the OBSG state, direction state, HVP selection and a remote control operate signal.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or FAXed to:

(703) 308-9051, (for formal communications intended for entry)

or:

(703) 305-9508 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication should be directed to the examiner, Talivaldis Ivars Smits, whose telephone number is (703) 306-3011. The examiner can normally be reached Mondays-Fridays from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's (new) supervisor, David R. Hudspeth, can be reached on (703) 308-4825. The facsimile phone number for this Group Art Unit is (703) 305-9508. With the consolidation into Technology Center 2700, effective November 16, 1997, the former Art Unit 2308 has become **Art Unit 2741**.

Serial Number: 08/851,200
Art Unit: 2741 (formerly 2308)

Page 6

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, whose telephone number is (703) 305-3900.

Dr. Talivaldis Ivars Smits
Assistant Examiner
Art Unit 2741
February 2, 1998



**DAVID R. HUDSPETH
SUPERVISORY PATENT EXAMINER
GROUP 2700**